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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MANABU TAKAYAMA, ET AL.

Application No.: 09/832,116

Filed: April 11, 2001

For: OPTICAL SCALE, MOLD
THEREFOR, AND OPTICAL
ENCODER

Examiner: S. Yam

Group Art Unit: 2878

August 27, 2002

TECHNICAL

09/832,116

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated July 29, 2002, the Examiner entered a restriction requirement between four groups of claims. Group I, Claims 1-6, is drawn to a mold for an optical scale. Group II, Claims 7-9, is drawn to the manufacturing of an optical scale. Group III, Claims 10 and 11, is drawn to an optical encoder transmitting through an optical scale for detecting a speed. Group IV, Claims 12-16, is drawn to an optical scale reflecting light off a light-emitting portion of a sensor. Applicants respectfully traverse the restriction requirement.

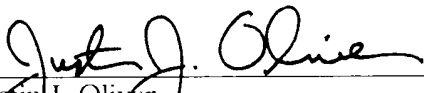
Applicants submit that the various embodiments are so closely related as to not require separate fields of search. A duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. In addition, any nominal burden placed upon the Examiner to perform a search for the overall invention is

outweighed by the public interest in not having to obtain and study separate patents that may issue from Applicants' invention if the restriction requirement is maintained.

Nevertheless, in order to comply with the requirements set forth in 37 C.F.R. § 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group IV, Claims 12-16.

Applicant's undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Justin J. Oliver
Attorney for Applicants
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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